



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

(HSS-CAN 7)

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211



SDMS DocID

564976

URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY

Superfund Records Center

SITE: Pontiac Enterprises

BREAK: 17.2

OTHER: 564976

August 5, 1994

Towanda Associates, Inc.
1612 Smith Street
North Providence, RI 02911

Re: REQUEST FOR ACCESS TO PROPERTY
Pontiac Enterprises (plat 275, lots 38 and 52)
Warwick, RI
CERCLIS NO. RID069857514

To whom it may concern:

The United States Environmental Protection Agency (EPA) respectfully requests permission for EPA, its agents, contractors, and other authorized representatives to have access to your property identified as plat 275, lots 38 and 52, and located at 334 Knight Street in Warwick, Rhode Island.

EPA requests access to your property to conduct or oversee a site evaluation. Entry to your property to conduct this activity is authorized by Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e). This authorization provided by CERCLA includes access to private property in order to determine the need for response actions, to perform response actions, and to enforce CERCLA. Entry by EPA is also authorized under Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6297. Under that section EPA may enter property where hazardous wastes are or have been disposed of, transported from, generated, stored, or treated in order to enforce the provisions of RCRA.

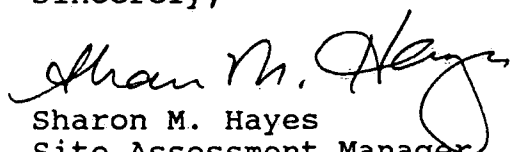
CERCLA site evaluation activities may include information-gathering to determine whether hazardous substances, pollutants, and contaminants may be, or may have been released to the environment. In addition, EPA and its representatives may drive vehicles onto the site, collect samples, take photographs, and dispose of small amounts of decontamination fluid on the property. EPA or its representatives will offer the owner or company representative(s) replicates of the samples collected to be analyzed at their own expense. Prior to leaving the property, the EPA representatives will supply the owner or company representative(s) with a receipt for samples collected on the property.



Please signify your consent to access by signing the attached document in the space provided, and return it to me at the above address. The access agreement must be signed by all owners of the property. If EPA does not receive a reply within **ten (10) business days** of your receipt of this letter, it will become necessary for EPA to employ other means to obtain access. Such means may include issuing an administrative order or bringing an action in federal court to secure EPA's right to access. EPA is further authorized under CERCLA [and RCRA] to seek judicial penalties of up to \$25,000 for each day you fail to provide access.

Your cooperation in assisting with completion of CERCLA site evaluation activities is appreciated. If you have any questions, I may be contacted at (617) 573-5709. All communications from your legal counsel should be directed to Marcia Lamel at (617) 565-3435.

Sincerely,


Sharon M. Hayes
Site Assessment Manager
Superfund Support Section
Waste Management Division

cc: Marcia Lamel, EPA
Elizabeth Byrnes, CDM
Timothy O'Connor, RIDEM

CONSENT FOR ACCESS TO PROPERTY

I (We), the Owner of the property identified as plat 275, lots 38 and 52, and located at 334 Knight Street in Warwick, Rhode Island, shall permit EPA's officers, employees, agents, contractors, subcontractors, consultants, and other authorized representatives, to enter and have continued access to this property for the purpose of conducting a CERCLA site evaluation.

I (we) realize that these actions are undertaken under EPA's response and enforcement authorities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e) and under Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6297.

I (We) give this written permission voluntarily with knowledge of my (our) right to refuse, and without threats or promises of any kind.

Signature of Property Owner/Operator
or Authorized Representative(s)

Date

NAME: _____
ADDRESS: _____

CONSENT OF ADDITIONAL OWNER(S)

Signature of Property Owner/Operator
or Authorized Representative(s)

Date

NAME: _____
ADDRESS: _____
